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LETTER DATED 27 JANUARY 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ROMANIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to submit to the attention of the Security Council and its member States the declaration issued by the Government of Romania on 27 January 1993, herewith attached, concerning the situation created on the Danube river as a result of the flagrant violation of the provisions of Security Council resolutions 757 (1992) and 787 (1992) by Yugoslav vessels transporting petroleum products.

May I inform you, Excellency, that the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia has been seized from the very beginning with, and continues to have under consideration this particularly serious matter. A detailed letter on this subject, dated 27 January 1993, has been sent to the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia.

May I underline, Excellency, that, due to the seriousness and the implications of such a particularly grave situation, the cooperation between riparian States as well as international cooperation including appropriate consideration and action by the Security Council, is necessary in order to determine the Yugoslav authorities to take immediate measures to stop the violation of the embargo by the Yugoslav vessels.

(Signed) Valeriu FLOREAN
Chargé d'affaires a.i.

Annex

DECLARATION OF THE GOVERNMENT OF ROMANIA
OF 27 JANUARY 1993

In connection with the recent flagrant violations, by vessels sailing on the Danube under Yugoslav flags, of the embargo imposed by the United Nations Security Council, the Romanian Government states the following:

1. By its resolutions 757 (1992) and 787 (1992), the Security Council imposed an embargo on the Federal Republic of Yugoslavia (Serbia and Montenegro), which spells clearly the prohibition of import and export of commodities and products, as well as of any transport activities of this country.

The transshipment through the Federal Republic of Yugoslavia (Serbia and Montenegro) of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types is also prohibited.

In order to ensure the strict compliance with these provisions, the Government of Romania adopted the decision 771 (1992) and also issued specific instructions for the competent Romanian authorities.

2. Since the measures concerning embargo entered into force, attempts of violation by the crews of the Yugoslav vessels have been recorded such as: the use of counterfeited travelling documents regarding the shipments and the merchandise destination; the refusal to permit the control by the Romanian authorities; the use of other countries' national flags; the refusal to stop the vessels and provide the related documents and cargo for control.

All the above-mentioned attempts of embargo violations have been promptly and firmly solved by the Romanian authorities, as it was noticed and appreciated by the Sanction Assistance Mission (SAM).

3. Unfortunately, in the last days, grave violations of the embargo have been recorded. For example, on 18 January 1993, the tugboat "BIHAC" sailing under Yugoslav flag and towing six barges loaded with petroleum products had declared that it sailed back to the port of Reni, where it was loaded, but it changed its route joining the "KUMANOVO" tugboat. The tugboat "KUMANOVO" left the convoy in the area of the port of Braila. The convoy towed by the tugboat "BIHAC" continued its route and entered into the Yugoslav sector of the Danube.

On 23 January 1993, three convoys sailing under Yugoslav flag and loaded with petroleum products, towed by the Yugoslav tugboats "ORASAC", "VELEBIT" and "KAIMAKALAN", left the port of Reni in Ukraine. Despite the Romanian authorities summons, the vessels' crews refused to stop the convoys for inspection and control and continued their routes heading for the Yugoslav

sector of the Danube. Similarly, on 25 January 1993, the tugboat "KUMANOVO" towing 12 barges also loaded with petroleum products left the area of the port of Braila without legal transport documents, heading for Yugoslavia.

In the context of the full observance and implementation of the Security Council resolutions, the Romanian authorities took the necessary measures, such as repeated summons and nearby patrolling by border boats.

In spite of the numerous appeals of the Romanian port authorities by radio and voice amplifiers, the captains of the Yugoslav vessels refused to stop and continued their route.

The Romanian competent authorities repeatedly attempted to board these illegally sailing vessels in order to stop their march, paying special attention to prevent human losses and to avoid excessive and irremediable damages. The captains of these vessels refused to comply and, moreover, the captain of "BIHAC" tugboat threatened that he will blow up or download the petroleum products into the Danube, which would have had serious environmental consequences.

4. The above-mentioned actions, namely: sailing without legal documents previously abandoned, using of other countries' national flags, refusing to comply to the repeated summons, disconnecting radio contacts and refusing to provide both the legal documents and the access to control of the shipment, led to a serious violation of the Romanian legislation and of the Belgrade Convention on the navigation on the Danube.

5. In order to put an end to these grave violations of the embargo the Romanian authorities have constantly informed the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, as well as the Yugoslav authorities. The Romanian authorities had also contacted the competent authorities of Ukraine and Bulgaria.

The above-mentioned facts have been brought to the attention of the Public Ministry (General Attorney) of Romania in order to start the legal procedure versus the Yugoslav citizens who had violated the rules and regulations with regard to the navigation on the Danube.

Under these circumstances, the Romanian Government decided that the competent authorities should continue to take all necessary actions for the full compliance with the United Nations Security Council resolutions concerning the embargo imposed to Yugoslavia, including constraining measures, in accordance with the relevant provisions of these resolutions.

In this context, the Romanian Government will continue to maintain a close contact with other Governments of the Danube riparian countries in order to prevent the loading and transporting of merchandise under embargo, or the shipment of cargo by Yugoslav vessels, and to ensure the strict compliance with the United Nations Security Council provisions.

The Romanian Government will request again the support of the CSCE member States and the United Nations Security Council for receiving the necessary assistance, inter alia, technical equipment, to be able to ensure the strict compliance with the embargo measures on the Danube river.